



Arizona Peace Officer Standards and Training Board

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Amended **Minutes of Meeting** **August 16, 2017**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on August 16, 2017, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office (*via telephone*)
Chief Byron Gwaltney, Pima County Sheriff's Department
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Cathy Hawse, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mark Perkovich, Program Administrator
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
Marc Harris

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Chief Alan Rodbell to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Assistant Attorney General Marc Harris will provide legal advice to the Board on two final action cases – Javier Arellano and Dustin R. Dionne.
- The Blake Deimund case will not be heard today; Mr. Deimund submitted a Consent Agreement for voluntary relinquishment of peace officer certification and this will be presented today.

C. Executive Director’s Report

Jack G. Lane, Executive Director

- The City of Phoenix Police Department canceled the ALEA Interagency Agreement effective July 17, 2017. AZ POST will provide a \$200,000 grant to the Phoenix Police Department to assist with the transition of the academy until the end of December 2017.

D. Review, Discussion and Possible Action on a petition from the Cochise County Sheriff’s Office for a determination that applicant Alexander A. Dolhyj’s drug usage was experimentation.

Sheriff Dannels recused himself from voting on this matter.

The Cochise County Sheriff’s Office petitioned the Board to determine that the drug usage by applicant Alexander A. Dolhyj’s was experimentation. Commander Sam Farris addressed the Board to ask that the petition be granted.

Chief Hall made a motion to grant the petition for a determination that the pre-employment dangerous drug, narcotic and prescription drug usage by Alexander A. Dolhyj was experimentation. The motion was seconded by Colonel Milstead and passed unanimously.

E. Consent Agenda

Chief Rodbell made a motion to accept the Consent Agenda. The motion was seconded by Director Ryan and passed unanimously. The Consent Agenda included the following items:

Consent Agreements for Voluntary Relinquishment of peace officer certification for:

Adam C. Bell	17-056	Tucson Police Department
Glen A. Gardner	17-100	Phoenix Police Department
Gabriel A. Rivera	15-117	Tucson Police Department

F. Final Action Cases:

Cases 1 and 2 were taken out of order.

1. #14-156 – Javier Arellano – San Luis Police Department
Mr. Ahler (AAG) recused himself from this case.

The Board heard oral argument on the Administrative Law Judge's Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board, Mr. Sam Randall, attorney for Javier Arellano and from Javier Arellano.

After considering the arguments made by the parties, Chief Rodbell made a motion to accept the Administrative Law Judge's Findings of Fact and Conclusions of Law and revoke Mr. Arellano's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

2. #14-055 – Dustin R. Dionne – Phoenix Police Department
Mr. Ahler (AAG) and Chief Rodbell recused themselves from this case.

Chairman Mascher provided instruction to both counsels and the Board on the administrative procedures that will be followed. He asked that the parties identify themselves for the record before hearing oral argument.

Colonel Milstead made a motion to go into executive session to receive legal advice from Assistant Attorney General Marc Harris. The motion was seconded by Director Ryan and passed unanimously.

The Board received independent legal advice from Assistant Attorney General Marc Harris.

The Board went into Executive Session at 10:15 a.m. and the Open Meeting reconvened at 10:36 a.m.

The Board heard oral argument on the Motion for Review and Reconsideration from Mr. Michael Napier, attorney for Dustin R. Dionne and Assistant Attorney General Seth Hargraves, attorney for the State.

After considering the pleadings filed in this matter and the arguments made by the parties, Sheriff Dannels made a motion to deny the Motion for Review and Reconsideration. The motion was seconded by Sergeant Aparicio. The motion passed 5-4. Director Ryan, Sergeant Andreacola, Chief Gwaltney and Colonel Milstead voted against the motion.

Sheriff Dannels discontinued the call at this time due to another commitment.

3. 16-065 – Ruben M. Villafana – Quartzsite Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Gwaltney made a motion to accept the Consent Agreement, Decision and Order for an 18-

- month suspension of Mr. Villafana's peace officer certification beginning April 20, 2016 and ending October 20, 2017. The motion was seconded by Sergeant Aparicio and passed unanimously.
4. #16-092 – Oslando D. Johnson – Maricopa County Sheriff's Office
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to revoke Mr. Johnson's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
 5. #16-083 – Jay H. Wu – Salt River Pima-Maricopa Tribal Police Department
The Board considered comments from Assistant Attorney General Michael Saltz. Chief Hall made a motion to revoke Mr. Wu's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
 6. #16-149 – John J. Cotsonas – Sahuarita Police Department
The Board considered comments from Compliance Manager Mark Perkovich; a short video was also presented. Chief Hall made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Cotsonas' peace officer certification for three years; from July 25, 2016 to July 25, 2019, at which time his peace officer certification will lapse. The motion was seconded by Director Ryan and passed unanimously.
 7. #17-017 – Blake A. Deimund – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Assistant Attorney General Michael Saltz. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of Mr. Deimund's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
 8. #15-106 – Ronald H. Platerio – Gila River Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Platerio's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
 9. #16-163 – Lorenzo Vela – Mesa Police Department
Chief Hall recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Vela's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

G. New Charging Cases:

1. #17-094 – Richard B. Berry – AZ Department of Public Safety
This case was tabled.

2. #17-074 – Ricardo D. Herreras – Eagar Police Department
The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to ***Resolve in Future***. The motion was seconded by Colonel Milstead and passed unanimously.
3. #17-021 – Raymond A. Gomez – Avondale Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Chief Hall made a motion to ***Initiate Proceedings*** to deny peace officer certification to Mr. Gomez. The motion was seconded by Director Ryan and passed unanimously.
4. 17-075 – Alejandro Mendez – Glendale Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Colonel Milstead made a motion to ***Initiate Proceedings*** to deny peace officer certification to Mr. Mendez. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
5. #17-079 – Aaron A. Tarter – Coconino County Sheriff’s Office
The Board considered comments from Compliance Specialist Mike Deltenre. Colonel Milstead made a motion to ***Initiate Proceedings*** to deny peace officer certification to Mr. Tarter. The motion was seconded by Chief Rodbell and passed unanimously.
6. #17-013 – Kenneth R. Meeks – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Meeks’ peace officer certification. The motion was seconded by Chief Hall and passed unanimously.
7. #17-085 – Denver M. Holzworth – Yuma Police Department
This case was tabled.
8. #17-067 – Brittney J. Martin – Lake Havasu City Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to ***Initiate Proceedings*** to deny peace officer certification to Ms. Martin. The motion was seconded by Director Ryan and passed unanimously.
9. #16-155 – Jason E. McFadden – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. McFadden’s peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
10. #16-156 – Richard G. Pina – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Pina’s peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

11. #15-118 – Jennifer L. Brown – AZ Department of Transportation - ECD

The Board considered comments from Compliance Specialist Lori Wait. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Ms. Brown's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

12. #16-073 – John Lorenz – AZ Department of Transportation - ECD

The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Chief Gwaltney and passed unanimously.

13. #17-068 – Grant J. Samsill – AZ Game and Fish Department

The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to ***Resolve In Future***. He then amended the motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Director Ryan and passed unanimously.

14. #17-086 – David Velarde – Maricopa Police Department

The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to ***Initiate Proceedings*** to deny peace officer certification to Mr. Velarde. The motion was seconded by Director Ryan and passed unanimously.

H. Future Agenda Items

Executive Director Lane stated there are no future agenda items to discuss at this time.

I. Adjournment

The meeting was adjourned at 12:05 p.m.